

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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PRO SE OFFICE

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Dominick Florio
Petitioner,
against-
Andrew Cuomo, Attorney General
STATE OF NEW YORK
Respondent,

10 Civ.0990 (SRS) (JLC)
Petitioner's objections in
Response to Magistrate Cott's
Report and Recommendation
on November 16, 2010.
Respectfully submitted

State of New York, County of Otisville.

I Dominick Florio declare under the penalty of perjury that the foregoing is true and correct as I believe it to be.

- 1) I am the petitioner and I am proceeding Pro-se.
- 2) Petitioner is familiar with the question and facts of law regarding to 28 U.S.C. 2254. For a writ of Habeas Corpus.
- 3) This petitioner is making the following objections to Magistrate Judge Cott's Recommendation/Report.

1) First and foremost this petitioner's 440.10 C.P.L. motion to vacate is unique in a way. This petitioner is actually appealing a motion to Renew C.P.L. 2221:9 January 21, 2009. Wherefore the appellate process is different from one to Reargue and a post conviction motion C.P.L. 440.10. [On a motion to Renew, an order either way is appealable.] See C.P.L. 2201:9 Urban V. Maloney 334 N.Y.S. 2d 122.